

EV724264933US

1026 Regd PCT/PTO 26 SEP 2006  
PTO-1390 (Rev. 07-2005)  
PCT

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 023070-139620US
INTERNATIONAL APPLICATION NO. PCT/US04/022998		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/566,077
TITLE OF INVENTION DETECTION OF SOMATIC CELLS IN MILK		PRIORITY DATE CLAIMED July 25, 2003
APPLICANT(S) FOR DO/EO/US Michael J. Delwiche, et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))            a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).            b. <input type="checkbox"/> has been communicated by the International Bureau.            c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).            a. <input type="checkbox"/> is attached hereto.            b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))            a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).            b. <input type="checkbox"/> have been communicated by the International Bureau.            c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.            d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
Items 11 to 20 below concern document(s) or information included:		
<p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p>		

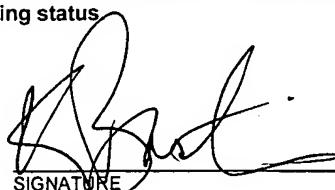
U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/566,077		INTERNATIONAL APPLICATION NO. PCT/US04/022998		ATTORNEY'S DOCKET NUMBER 02307O-139620US																																																																																																																																	
20. Other items or information: Express Mail Label No. EV724264933 US Statement Under 3.73(b)																																																																																																																																					
<p>The following fees have been submitted</p> <table border="1"> <tr> <td>21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a)).....</td> <td>\$300</td> <td>CALCULATIONS</td> <td>PTO USE ONLY</td> </tr> <tr> <td></td> <td>\$</td> <td></td> <td></td> </tr> <tr> <td>22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))  If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 All other situations..... \$200</td> <td></td> <td>\$</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>23. <input type="checkbox"/> Search fee (37 CFR 1.492(b))  If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) ..... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB ..... \$400 All other situations..... \$500</td> <td></td> <td>\$</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="2"><b>TOTAL OF 21, 22 and 23 =</b></td> <td>\$</td> <td></td> </tr> <tr> <td colspan="4"> <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.         </td> <td></td> <td></td> </tr> <tr> <td>Total Sheets</td> <td>Extra Sheets</td> <td>Number of each additional 50 or fraction thereof (round up to a whole number)</td> <td>RATE</td> <td></td> <td></td> </tr> <tr> <td>- 100 =</td> <td>/50 =</td> <td></td> <td>x \$250</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="4">Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).</td> <td>\$ 130</td> <td></td> </tr> <tr> <td>CLAIMS</td> <td>NUMBER FILED</td> <td>NUMBER EXTRA</td> <td>RATE</td> <td></td> <td></td> </tr> <tr> <td>Total claims</td> <td>- 20 =</td> <td></td> <td>x \$ 50</td> <td>\$</td> <td></td> </tr> <tr> <td>Independent claims</td> <td>- 3 =</td> <td></td> <td>x \$200</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+ \$360</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="4"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td>\$ 130</td> <td></td> </tr> <tr> <td colspan="4"> <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.         </td> <td>\$ 65</td> <td></td> </tr> <tr> <td colspan="4"><b>SUBTOTAL =</b></td> <td>\$ 65</td> <td></td> </tr> <tr> <td colspan="4">+</td> <td></td> <td></td> </tr> <tr> <td colspan="4"><b>TOTAL NATIONAL FEE =</b></td> <td>\$ 65</td> <td></td> </tr> <tr> <td colspan="4">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property</td> <td>+ \$ 40</td> <td></td> </tr> <tr> <td colspan="4"><b>TOTAL FEES ENCLOSED =</b></td> <td>\$ 105</td> <td></td> </tr> <tr> <td colspan="4">10/03/2006 MKAYPAGH 00000045 201430 10566077</td> <td>Amount to be refunded:</td> <td>\$</td> </tr> <tr> <td colspan="4">01 FC:26 7 65.00 DA</td> <td>Amount to be charged:</td> <td>\$ 105</td> </tr> </table>				21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a)).....	\$300	CALCULATIONS	PTO USE ONLY		\$			22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))  If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 All other situations..... \$200		\$						23. <input type="checkbox"/> Search fee (37 CFR 1.492(b))  If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) ..... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB ..... \$400 All other situations..... \$500		\$						<b>TOTAL OF 21, 22 and 23 =</b>		\$		<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). 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- a.  A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b.  Please charge my Deposit Account No. 20-1430 in the amount of \$ 105 to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 20-1430. A duplicate copy of this sheet is enclosed.
- d.  Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Kevin L. Bastian  
TOWNSEND AND TOWNSEND AND CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, CA 94111-3834

  
\_\_\_\_\_  
SIGNATURE  
\_\_\_\_\_  
Kevin L. Bastian  
NAME  
\_\_\_\_\_  
34.774  
REGISTRATION NUMBER

60876728 v1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Michael J. Delwiche, et al.

U.S. Application No.: 10/566,077

Int'l Application No.: PCT/US04/022998

Int'l Filing Date: July 16, 2004

For: DETECTION OF SOMATIC  
CELLS IN MILK

Customer No.: 20350

Confirmation No.: 8461

Examiner:

Art Unit: 1637

**TRANSMITTAL LETTER –  
RESPONSE TO NOTIFICATION OF  
MISSING REQUIREMENTS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the Notification of Missing Requirements dated August 3, 2006,  
enclosed are the following to be made of record in the above-identified application:

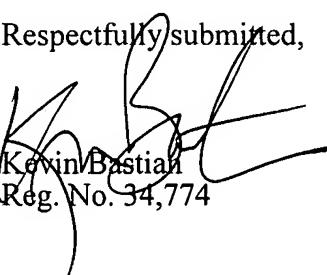
- 1) Executed Declaration;
- 2) Executed Assignment and Recordation Form 1595;
- 3) Executed Power of Attorney by Assignee;
- 4) Executed Certificate of Assignee Under 37 C.F.R. § 3.73(b);
- 5) Copy of Notification of Missing Requirements

Please charge Deposit Account No. 20-1430 for the following fees:

Small entity	(a) Missing Parts Surcharge	\$65
	<b>TOTAL FEES TO BE CHARGED</b>	<b>\$65</b>

The Commissioner is hereby authorized to charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to Deposit Account No. 20-1430. This Transmittal Letter is submitted in duplicate.

Respectfully submitted,



Kevin Bastian  
Reg. No. 34,774

**Customer No. 20350**  
TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 415-576-0200  
Fax: 415 576-0300  
KLB:jtc

60876675 v1



# COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

021070-139620US  
KET, SD

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/566,077	Delwiche and Wu Delwiche and Wu	023070139620US

INTERNATIONAL APPLICATION NO.	
PCT/US04/22998	

I.A. FILING DATE	PRIORITY DATE
07/16/2004	07/25/2003

20350  
TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

*Response Due* 10/03/06

Date Mailed: 08/03/2006

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 01/25/2006
- Copy of the International Search Report filed on 01/25/2006
- Information Disclosure Statements filed on 06/28/2006
- Oath or Declaration filed on 01/25/2006
- Request for Immediate Examination filed on 01/25/2006
- U.S. Basic National Fees filed on 01/25/2006
- Priority Documents filed on 01/25/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$65** for a Small Entity:

*Ree*

- \$65 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

INDIA L EVANS

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Telephone: (703) 308-9140 EXT 212

**PART 1 - ATTORNEY/APPLICANT COPY**

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/566,077	PCT/US04/22998	023070139620US

FORM PCT/DO/EO/905 (371 Formalities Notice)